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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shoichiro FUJIWARA et al.

Group Art Unit: 1743

Application No.: 09/966,079

Examiner: J. Snay

Filed: October 1, 2001

Docket No.: 110730

For: SENSOR MATERIAL SENSOR AND DETECTION METHOD FOR BIO-SUBSTANCE

**SUBMISSION OF SUBSTITUTE DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the September 20, 2003, Office Action, and the interview conducted on January 22, 2004 with Examiner Snay, please consider the following substitute Declaration.

**REMARKS**

Claims 1-9 are pending in this application.

The Office Action rejects claims 1-9 under 35 U.S.C. §102(e) as being anticipated by Akashi et al. (hereinafter "Akashi") U.S. Patent 6,287,485. The rejection is respectfully traversed.

As discussed during in the interview, Applicants have provided the Examiner with a substitute Declaration under 37 C.F.R. §1.132 stating that Mr. Akashi is the sole inventor of the common subject matter. Thus, it is respectfully submitted that the rejection over Akashi be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
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JAO:DJC/brc

Date: March 3, 2004

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**DECLARATION UNDER 37 C.F.R. §1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ryojiro Akashi, a citizen of Japan, hereby declare and state:

1. This Declaration is submitted as evidence that I am the sole inventor of the subject matter disclosed in U.S. Patent 6,287,485 to Akashi et al. that was relied upon to reject the present claims.

2. In a September 29, 2003 Office Action in the above-identified application, claims 1-9 were rejected under 35 U.S.C. §102(e) over Akashi et al. '485.

3. The Akashi et al. '485 patent discloses a volume-modulation coloration producing material having a polymer gel capable of swelling-contracting by absorbing or desorbing a liquid when an external stimulus is given, and a colored pigment contained in the material at a concentration equal to or higher than a saturation absorption concentration.

4. I am a co-inventor of the Akashi et al. patent.

5. I am the sole inventor of the subject matter as stated in paragraph 3 that is relied upon to reject the present claims.

6. All statements made here in of my own knowledge are true, and all statements made on information and believe are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or punishment under §1001 of Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 26, 02, 2004

Ryojiro Akashi  
Ryojiro Akashi